

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR  
MEETING ON WEDNESDAY, JULY 28, 2010 AT 6:00 P.M. IN THE CITY  
COUNCIL CHAMBERS**

**MAYOR:** Alfonso E. Ortiz, Jr.

**COUNCILORS:** Tonita Gurule-Giroñ  
Diane Moore  
Andrew Feldman  
David L. Romero

**ALSO PRESENT:** Tim Dodge, City Manager  
Casandra Fresquez, City Clerk  
Dave Romero, City Attorney  
Gary Gold, Sergeant at Arms

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Mayor Ortiz asked for a moment of silence in appreciation of the weather and the safe conditions during the recent festivities in our community.

**APPROVAL OF AGENDA**

Councilor Feldman made a motion to include Business Items 1 through 4 and Business Items 6, 7, 9 and Business Items 14 through 16 on a consent agenda. Councilor Moore seconded the motion.

Business Item 1 - Approval/Disapproval of Resolution 10-54 endorsing the candidacy of Mayor Alfonso E. Ortiz, Jr. for Director-at-Large for New Mexico Municipal League.

Business Item 2 - Approval/Disapproval to publish an RFP for personal training services in the Fitness Center at the Recreation Center.

Business Item 3 - Approval/Disapproval to publish RFP for Beverage Vending Machine Services for all City buildings.

Business Item 4 – Approval/Disapproval to publish RFP for Snack Vending Machine Services for all City buildings.

Business Item 6 - Approval/Disapproval of Resolution 10-53 authorizing application to the NM Department of Cultural Affairs.

Business Item 7 - Approval/Disapproval of the Lodger's Tax Advisory Board's recommendation to reject all proposals submitted in response to the Lodger's Tax Special Events RFP.

Business Item 9 - Approval/Disapproval of Resolution 10-51 authorizing the sale of City-owned property as Lot 3, Block 1 of Tract A in the Dee Bibb Industrial Park in Las Vegas, San Miguel County, New Mexico.

Business Item 14 - Approval/Disapproval of Resolution 10-52 Final Budget Adjustment.

Business Item 15 - Approval/Disapproval of Resolution 10-50 to approve Final Fiscal Year 2010-2011 Budget for submission to DFA Local Government Division.

Business Item 16 – Approval/Disapproval of Resolution 10-57 declaring an emergency within the City of Las Vegas and surrounding area.

Mayor Ortiz asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Andrew Feldman	Yes
Diane Moore	Yes	Tonita Gurule Giroñ	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Gurule-Giroñ made a motion that Business Items 11 and 12 follow consent agenda. Councilor Feldman called a point of order and advised that the change should have been included in the approval of the agenda. Mayor Ortiz Jr. recognized the issue and allowed the motion to stand. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	Tonita Gurule Giroñ	Yes
David Romero	Yes	Diane Moore	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

## **APPROVAL OF MINUTES**

Councilor Moore made a motion to approve the July 7, 2010 minutes. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for any discussion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule Giroñ	Yes	Andrew Feldman	Yes
Diane Moore	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

## **MAYOR'S RECOGNITION/PROCLAMATIONS**

City Manager Dodge mentioned that Firefighter, Christopher Fuentes was unable to attend; therefore he should be recognized at the next meeting.

City Clerk Fresquez read the recognition for Corporal Gilbert Martinez and also for Mr. and Mrs. Alfredo Marquez. Mayor Ortiz, Jr. thanked these individuals for their dedication to the community.

## **MAYOR'S APPOINTMENTS**

Mayor Alfonso Ortiz, Jr. recommended that Ms. Dawnette Garcia-Najar be appointed to the Recreation Advisory Committee and Mr. Robert (Bob) Wessely be appointed to the Utility Advisory Committee.

Councilor Moore made a motion for approval. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	David Romero	Yes
Diane Moore	Yes	Tonita Gurule-Giroñ	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Mayor Ortiz, Jr. presented a check for five hundred and fifty dollars to Lorraine Urioste and family to assist Mr. and Mrs. Galardo with the purchase of an auctioned van. Mayor Ortiz, Jr. thanked City Manager Dodge and all Directors for their contribution.

Mayor Ortiz, Jr. mentioned that there will be a Mayor's Ball on September 25, 2010 as a fundraiser to assist charity organizations and any entity that may need assistance. The Chamber of Commerce would assist in administering the event as to not violate the anti-donation clause.

## **PUBLIC INPUT**

Mr. Carl Vigil distributed a petition with signatures from the six hundred block of El Creston Circle to Mayor and Council requesting the installation of speed humps because of the cars and atvs speeding in the area. Mr. Vigil stated that there is also a city park and playground across the street which is a safety concern with the speeding vehicles.

Mr. Lawrence Valerio also stated that he would like to see speed humps placed in the six hundred block of El Creston Circle because there are a lot of children that play in the park and there is a lot of traffic that speeds through that area.

City Manager Dodge stated he would have the current ordinance deferred to the public safety committee for review and recommendations.

Mr. Jerry Korte stated he would like to get a copy of the budget for the last three years for all utilities.

Mr. Bruce McAllister stated that he is a member of the public works advisory committee and the committee was told that they were appointed to share their ideas and input for the public works department, however Mr. Ortiz has only listened to the progress reports and the committee has not been given the opportunity to share their ideas and input.

Mr. Steven Spande stated that he is the president of Western Safe Air Medical and advised that they would be placing a fixed wing near ambulance at the Las Vegas Airport between September 1<sup>st</sup> and the 15<sup>th</sup>. The primary responsibility would be the transfer of patients out of Alta Vista and they will service Santa Fe and Albuquerque and let the hospital choose where they want their patients to go should the patient require a specialty hospital.

Mr. Felix Alderete stated that the solid waste staff should be commended for working under the conditions that they've been working under and we need to work on making the conditions better for them. Mr. Alderete also mentioned that the landfill has to be pursued in an aggressive manner as well as recycling. Mr. Alderete concluded in thanking Mr. Joseph Baca for all the public service announcements regarding recycling.

Mr. Alex Aragon asked that the audio system in the Council Chambers be addressed as the citizens that watch the video are unable to hear clearly. Mr. Aragon mentioned that the recycling task force has given their recommendations and they feel like they are spinning their wheels as administration is not pursuing the various avenues which have been suggested by the task force.

Mr. Don Cole with AFSCME L42851 representing blue collar workers at the City of Las Vegas stated that they oppose any privatization of any department within the City and take the stance that with the proper equipment and training the job can get done cheaper.

## **FINANCE REPORT**

Finance Deputy Chief Tana Vega reported on the quarter and year ending June 2010. Ms. Vega reported the total revenue collected for FY 2010 for the General Fund were ten million, seven hundred twenty five thousand six hundred and seven and total expenditures were ten thousand three hundred seventy six thousand four hundred and ninety three dollars. Ms. Vegas noted that the 2010 expenditures were funded with the 2010 revenues collected.

Deputy Chief Vega also reported that the Utility Waste Water fund collected 95% of budgeted revenues and expended 98% of the budgeted expenditures, natural gas collected 76% of budgeted revenues and expended 66% of budgeted expenditures and noted that the difference in the low revenues and expenditures is related to the cost of gas purchased which is passed to the customer at cost. The solid waste fund collected 96% of budgeted revenues and expended 99% of the budgeted expenditures, the water fund collected 100% of budgeted revenues and expended 85% of the budgeted expenditures and could be related to some of the capital projects that were budgeted for did not materialize.

Deputy Chief Vega reported that the Recreation Department collected a total of five hundred forty six thousand, five hundred and sixty six dollars in revenues for a total of 88% of budgeted revenues and transfers in and total expenditures were seven hundred and seventeen thousand, fifty four dollars which is 93% of the budgeted expenditures.

Mayor Ortiz Jr. applauded City Manager Dodge and all administration for coming within one percent of projected expenditures.

## **CITY MANAGER'S INFORMATION REPORT**

City Manager Dodge deferred his report to Green Power Company for a short presentation.

Mr. Black with Green Power Company gave a power point presentation about renewable energy in which their company along with Kenyan Solar Company will purchase and install and maintain a solar system that would be a financial benefit to the City through energy cost savings with no capital outlay.

City Manager Dodge stated that he and the Directors would continue to explore this and then bring a recommendation to Council to RFP the process.

City Manager Dodge gave an overview of the final budget stating that the beginning cash balances were better than what was anticipated. City Manager Dodge also stated that there were two positions that he was going to eliminate

that were discussed at the preliminary budget, however they were added back into the budget as well as hiring two more code enforcement positions as Council had expressed there was a need to fill the two vacant positions. City Manager Dodge stated that the City will continue to monitor expenditures and revenue streams as the State may take back the municipal share of the municipal gross receipts tax which is a 1.22% factor that we do receive which will be very significant, therefore everyone needs to take an active roll with the New Mexico Municipal League to introduce resolutions to influence policies to try and protect that revenue stream for the City.

City Manager Dodge mentioned that Mayor Ortiz, Jr. introduced two resolutions to the New Mexico Municipal League, the first was a state wide network for a water plan that would interconnect or have sharing agreements between all municipalities and infrastructure built and the second resolution introducing a municipal EMS tax to allow the cities to impose the same gross receipts tax that the county is imposing. Another resolution that will be drafted is a resolution that will create some regulations for the septic haulers that will not only help our community but others as this is a state wide issue. City Manager Dodge reported that he is on the Solid Waste Committee for the County and will assist in the facility design and maximize those operations and work together with them so we can potentially deal with both the recycling and solid waste issues in an effort to move forward.

City Manager Dodge added that he needs to continue to meet with the Fiesta Council as the City needs to be more involved and there needs to be more financial reporting, not only with this committee, but other committees that the City funds and is involved with.

City Manager Dodge also reported that Secretary Ron Curry has committed to giving the City a letter of support on the septic problem that were experiencing. The City is working on an emergency grant of five hundred thousand. Utilities Director Ken Garcia has been successful in receiving a grant for running the re-use line from Mills Avenue up to Cinder Road in the amount of two hundred and fifty thousand dollars to pay for that material that will be an in-house construction project. City Manager concluded by passing out a report including some of the processes that we are currently in and vacancies that exist.

Councilor Moore asked if it was determined that privatization of solid waste was not feasible. City Manager Dodge stated that the representative from Waste Management did not have a detailed evaluation and was not a position to make a determination on the transfer station, equipment, landfill closure etc... She gave general ideas about recycling, however the City will get her the information needed to present an accurate evaluation.

## **BUSINESS ITEMS**

## **Consent Agenda**

Councilor Feldman made a motion to approve consent agenda to include business items one through four, business items six, seven and nine and also business items fourteen through sixteen. Councilor Gurule-Giron seconded the motion.

Business Item 1 - Approval/Disapproval of Resolution 10-54 endorsing the candidacy of Mayor Alfonso E. Ortiz, Jr. for Director-at-Large for New Mexico Municipal League.

Resolution 10-54 was presented as follows:

### **RESOLUTION NO. 10-54**

#### **A RESOLUTION ENDORSING THE CANDIDACY OF MAYOR ALFONSO E. ORTIZ, JR. FOR DIRECTOR-AT-LARGE FOR NEW MEXICO MUNICIPAL LEAGUE BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS**

**WHEREAS**, Alfonso E. Ortiz Jr., was elected on March 2, 2010 to his current position as Mayor of the City of Las Vegas, and before that served twelve (12) years as a City of Las Vegas Councilor; and

**WHEREAS**, Mayor Ortiz is currently the San Miguel County Treasurer and serves as a member of the New Mexico Association and National Association of Counties and is currently the San Miguel County Treasurer; and

**WHEREAS**, Mayor Ortiz has long demonstrated his commitment to community service through participation in many activities, such as serving as Minister of the Eucharist at Our Lady of Sorrows Parish; and past service as the New Mexico Municipal League Director; and

**WHEREAS**, serving on the New Mexico Municipal League Board of Directors and with his years of experience, knowledge, and public involvement Mayor Alfonso E. Ortiz, Jr., will be an asset to all the 103 municipalities of the State of New Mexico by advocating for policy that will assist all municipalities; and

**WHEREAS**, the City Council of the City of Las Vegas wishes to endorse the candidacy of Mayor Alfonso E. Ortiz, Jr. for the Directors-at- Large for the New Mexico Municipal League;

**NOW, THEREFORE, BE IT RESOLVED** that: The City Council of the City of Las Vegas does hereby officially endorse the candidacy of the City of Las Vegas Mayor

Alfonso E. Ortiz, Jr. for the Director-At-Large for the New Mexico Municipal League.

This resolution shall take effect immediately upon its adoption.

**PASSES APPROVED AND ADOPTED** this \_\_\_\_\_ day of July, 2010.

**GOVERNING BODY**

By

\_\_\_\_\_  
Mayor Alfonso E. Ortiz, Jr.  
City of Las Vegas

(Seal)  
ATTEST:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

Business Item 2 - Approval/Disapproval to publish an RFP for personal training services in the Fitness Center at the Recreation Center.

Business Item 3 - Approval/Disapproval to publish RFP for Beverage Vending Machine Services for all City buildings.

Business Item 4 - Approval/Disapproval to publish RFP for Snack Vending Machine Services for all City buildings.

Business Item 6 - Approval/Disapproval of Resolution 10-53 authorizing application to the NM Department of Cultural Affairs.

Resolution 10-53 was presented as follows:

**CITY OF LAS VEGAS  
Resolution No. 10-53**

**A RESOLUTION AUTHORIZING APPLICATIONS TO THE NEW MEXICO  
DEPARTMENT OF CULTURAL AFFAIRS FOR A CENTENNIAL OF NEW  
MEXICO STATEHOOD PROJECT GRANT AND TO THE NATIONAL  
ENDOWMENT FOR THE ARTS FOR AN ACCESS TO ARTISTIC  
EXCELLENCE GRANT**



**WHEREAS**, the New Mexico Department of Cultural Affairs has \$3,000.00-\$5,000.00 per award grant monies available for Centennial of New Mexico Statehood Projects; and

**WHEREAS**, the National Endowment for the Arts has \$5,000.00-\$150,000.00 per award grant monies available for Access to Artistic Excellence Projects; and

**WHEREAS**, the Las Vegas Film Commission has recommended that the City of Las Vegas submit a grant applications for a Film Festival in Spring 2011.

**WHEREAS**, the application deadlines are August 12 and August 15, 2010

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LAS VEGAS** that the City of Las Vegas hereby authorizes applications to the New Mexico Department of Cultural Affairs for a Centennial of New Mexico Statehood Project Grant and to the National Endowment for the Arts for an Access to Artistic Excellence Grant.

**PASSED, APPROVED and ADOPTED** by the governing body at its meeting of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Alfonso E. Ortiz, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Casandra Fresquez, City Clerk

Business Item 7 - Approval/Disapproval of the Lodger's Tax Advisory Board's recommendation to reject all proposals submitted in response to the Lodger's Tax Special Events RFP.

Business Item 9 - Approval/Disapproval of Resolution 10-51 authorizing the sale of City-owned property as Lot 3, Block 1 of Tract A in the Dee Bibb Industrial Park in Las Vegas, San Miguel County, New Mexico

Resolution 10-51 was presented as follows:

**Resolution 10-51**

A resolution authorizing the sale of City-owned property described as Lot 3, Block 1 of Tract A in the Dee Bibb Industrial Park in Las Vegas, San Miguel County, New Mexico, and filed with San Miguel County Clerk, deed book 4, pages 61 & 62. Said tract contains 1.3438 acres of land to Ray Herrera.

**WHEREAS**, the City of Las Vegas, New Mexico is the record owner of a certain parcel of land at the Dee Bibb Industrial Par; and

**WHEREAS**, Ray Herrera desires to purchase at the Dee Bibb Industrial Park; and

**WHEREAS**, pursuant to section 3-54-1A, NMSA 1978 and to Administrative Regulation A-87-42, the City Council of the City of Las Vegas desires to sell the land is.

**WHEREAS**, City Council approved the purchase agreement on July 7, 2010 setting the sale price of the lot at the appraised value of \$17,000.00.

**NOW THEREFORE**, the City Council, the Governing Body of the City of Las Vegas, New Mexico hereby resolved that:

The City of Las Vegas is authorized to enter into the purchase agreement with Ray Herrera for the parcel described as Lot 3, Block 1 of Tract A in the Dee Bibb Industrial Park in Las Vegas, San Miguel County, New Mexico, and filed with San Miguel County Clerk, deed book 4, pages 61&62. Said tract contains 1.3438 acres of land more or less, for the appraised amount of \$17,000.00. Additionally the buyer is to pay for all closing costs associated with the sale; and

Furthermore, the City Council hereby authorizes the Mayor, Alfonso E. Ortiz, Jr. to execute documents necessary to complete the sale and transfer of the subject property.

**DONE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,**  
**2010**

**ATTEST:**

\_\_\_\_\_  
**CASANDRA FREQUEZ, CITY CLERK**

\_\_\_\_\_  
**ALFONSO E. ORITZ, JR., MAYOR**

**REVIEWED AND APPROVED AS TO FORM**

\_\_\_\_\_  
**DAVE ROMERO JR. ESQ, CITY ATTORNEY**

Business Item 14 - Approval/Disapproval of Resolution 10-52 Final Budget Adjustment.

Resolution 10-52 was presented as follows:

**MUNICIPALITY OF CITY OF LAS VEGAS  
RESOLUTION NO. #10-52  
FISCAL YEAR 2010 BUDGET ADJUSTMENT REQUEST**

**WHEREAS**, the Governing Body in and for the Municipality of the City of Las Vegas, State of New Mexico has developed a final budget adjustment request for fiscal year 2010, and

**WHEREAS**, said budget adjustment request was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule, and

**WHEREAS**, the official meeting for the review of the said documents was duly advertised on July 16, 2010 in compliance with the State Open Meetings Act, and

**WHEREAS**, it is the majority opinion of this governing body that the final budget adjustment request is approved and meets the requirements as currently determined for fiscal year 2010

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request hereinabove described and respectfully requests approval from the Local Governing division of the Department of Finance and Administration.

**RESOLVED:** In session this 28th day of July 2010.

MUNICIPAL GOVERNING BODY  
LAS VEGAS, NEW MEXICO

\_\_\_\_\_  
ALFONSO E. ORTIZ, JR, MAYOR

\_\_\_\_\_  
COUNCILOR TONITA GURULÉ-GIRON

\_\_\_\_\_  
COUNCILOR ANDREW FELDMAN

\_\_\_\_\_  
COUNCILOR DIANE M. MOORE

\_\_\_\_\_  
COUNCILOR DAVID ROMERO

ATTEST: \_\_\_\_\_  
CASANDRA FRESQUEZ, CITY CLERK

(SEAL)

Business Item 15 - Approval/Disapproval of Resolution 10-50 to approve Final Fiscal Year 2010-2011 Budget for submission to DFA Local Government Division.

Resolution 10-50 was presented as follows:

STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF LAS VEGAS

**RESOLUTION NO. #10-50**  
**2010-2011 FINAL BUDGET ADOPTION**

**WHEREAS**, the Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a Final Budget for fiscal year 2010-2011, and

**WHEREAS**, said budget was developed on the basis of need and through cooperation with all department users, department supervisors, City Administration and elected officials, and

**WHEREAS**, the official meeting for the review of said documents was duly advertised on July 16, 2010 in compliance with the State Open Meetings Act, and

**WHEREAS**, it is the majority opinion of this governing body that the Final budget meets the requirements as currently determined for fiscal year 2010-2011.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby adopts the budget hereinabove described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 28th day of July 2010.

MUNICIPAL GOVERNING BODY  
LAS VEGAS, NEW MEXICO

\_\_\_\_\_  
ALFONSO E. ORTIZ, JR, MAYOR

\_\_\_\_\_  
COUNCILOR TONITA GURULÉ-GIRON

\_\_\_\_\_  
COUNCILOR ANDREW FELDMAN

\_\_\_\_\_  
COUNCILOR DIANE M. MOORE

\_\_\_\_\_  
COUNCILOR DAVID ROMERO

ATTEST: \_\_\_\_\_  
CASANDRA FRESQUEZ, CITY CLERK

(SEAL)

Business Item 16 – Approval/Disapproval of Resolution 10-57 declaring an emergency within the City of Las Vegas and surrounding area.

Resolution 10-57 was presented as follows:

Resolution #10-57

**A RESOLUTION DECLARING AN EMERGENCY  
AT THE CITY OF LAS VEGAS WASTE WATER TREATMENT PLANT  
WHICH RECEIVES SEPTAGE FROM SURROUNDING AREAS**

**WHEREAS**, The Mayor with the recommendation of the utility staff issued an executive order to temporarily suspend the City of Las Vegas Wastewater Treatment Facility from receiving septage until such time as the biological process can recover from an upset; and

**WHEREAS**, the City is required to comply with Wastewater/pretreatment Ordinance No. 07-26A and NPDES (National Pollutant Discharge Elimination System) Permit No. NM028827; and

**WHEREAS**, section 10.7 of the Wastewater/pretreatment Ordinance allows the City of Las Vegas to temporarily suspend sewer service to stop an actual or threatened discharge which does or may present an endangerment to person or the environment or interference with the City of Las Vegas' facilities or a violation of its NPDES permit; and

**WHEREAS**, the biological conditions of the plant temporarily affected the City of Las Vegas Waste Water Treatment Facility's ability to accommodate septage produced locally and from surrounding areas; and

**WHEREAS**, the State of New Mexico Environment Department is informed and aware of the current situation and potential threat of illegal dumping of septage and discontinued cleaning and hauling of septage tanks may contribute to unhealthy conditions within the City contributing to serious health concerns; and

**WHEREAS**, the City of Las Vegas has identified a change in process with plant modifications that will help address the immediate threat to the environment.

**NOW THEREFORE, BE IT RESOLVED**, that the Governing Body of the City of Las Vegas, shall act aggressively to address this emergency situation and determine it absolute to attempt to secure state partnership, in evaluating the situation and take action; thereof, planning to determine the most effective and immediate solution to this emergency.

**DONE THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_,  
**2010**

\_\_\_\_\_  
**ATTEST:**  
**ALFONSO E. ORTIZ JR., MAYOR**

\_\_\_\_\_  
**CASANDRA FREQUEZ, CITY CLERK**

## REVIEWED AND APPROVED AS TO FORM

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### DAVE ROMERO JR. ESQ, CITY ATTORNEY

Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Andrew Feldman	Yes
Diane Moore	Yes	Tonita Gurule-Giroń	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

11. Conduct a Public Hearing and Approval/Disapproval to **Adopt** Ordinance 10-19 amending Section 9-5-50 of Sewer Ordinance 77-10.

Councilor Feldman made a motion to go into public hearing. Councilor Gurule-Giroń seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	Diane Moore	Yes
David Romero	Yes	Tonita Gurule-Giroń	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Attorney Dave Romero asked those who would like to testify on the proposed ordinance to please stand and be sworn in. City Attorney Romero swore in Utilities Director Ken Garcia.

Utilities Director Ken Garcia stated that the proposed ordinance had been brought to Mayor and Council and approved on May 19, 2010, however, while preparing to implement the new rates, an error (winter quarter average was included in the commercial rates) was discovered in the ordinance. The error was corrected and amending ordinance 10-19 was re-published on June 23<sup>rd</sup> and Mayor and Council are now being asked to adopt the amended ordinance.

Councilor Gurule-Giroń had some concerns and questions about how the rate would affect the commercial consumer.

Utility Director Garcia explained that it is revenue neutral.

Councilor Feldman further explained that the rate distributes the charges in a more equitable fashion so that those who conserve are rewarded and those who use more pay more.

Councilor Feldman made a motion to close public hearing and go back into regular session. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	Andrew Feldman	Yes
David Romero	Yes	Tonita Gurule-Giron	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Feldman made a motion to approve Ordinance 10-19 amending Section 9-5-50 of Sewer Ordinance 77-10. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	Tonita Gurule-Giron	No
David Romero	No	Andrew Feldman	Yes
Alfonso E. Ortiz Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

12. Conduct a Public Hearing and Approval/Disapproval to Adopt Ordinance 10-20 amending Section 9-2-10 – Services and Rates of Solid Waste Ordinance 01-9.

Councilor Feldman made a motion to enter into public hearing. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Tonita Gurule-Giron	Yes
Andrew Feldman	Yes	Diane Moore	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Attorney Dave Romero swore in individuals speaking on the issue.

Utilities Director Ken Garcia advised that the rates for solid waste need to be increased to cover debt service, proper staffing, landfill closure and other capital improvements needed to provide solid waste service to the community. The rates were suggested by Red Oak Consulting as part of the utility rate study. Red Oak did a presentation at the June 21, 2010 City Council Meeting and the issue was discussed at the July 7, 2010 Council meeting and Council gave direction to continue the issue with recommendations to an alternative to be presented at the next meeting.

Utilities Directory Garcia stated that staff revised the Ordinance and revisions were published and posted on the City's website. The ordinance now includes language in the whereas statements for clarity. Utilities Director Garcia read through the ordinance and pointed out the changes from the initial proposed ordinance and added that all suggestions and options will be looked at including possible grants, privatization and any other recommendations prior to February. Utilities Director Garcia summarized the services, rates and charges and concluded by recommending approval of the proposed ordinance.

Councilor Gurule-Giroń asked how the ten percent solid waste increase was implemented in October of 2008.

Utilities Director Garcia deferred the question to Solid Waste Manager Alvin Jiron who stated that the increase was based on the emergency rate adjustment through City Manager Caballero due to the high cost of fuel.

Councilor Gurule-Giroń then stated that after the ninety day period adjustment, the amended ordinance should have gone through Council to permanently change the solid waste rate and she was certain that did not occur.

Mr. Jerry Korte who was sworn in stated that the proposed increase is a total of forty three percent and has concerns about the current cost for hauling the trash and wanted to know if the City in fact has a grant writer so that they may apply for some of the grants that are available. Mr. Korte feels that forty three percent is too high of an increase for a City that is poor and concluded by asking if the other utilities subsidize the general fund.

City Attorney Romero reminded anyone speaking in a public hearing should make their comments and if they should have questions, they may suggest such to the Council and not have a conversation with the staff. The Council may then determine if they want to answer such questions.

Mr. Korte stated for the record that his questions were for the Council even though he may have been looking at staff members and needs to know if the City has a grant writer.

City Manager Dodge was sworn in and stated that the City has received in excess this year of eight million dollars in grants and the City is aggressively seeking every alternative we can and he could assure that administration can answer any and all questions the public may have.

Councilor Gurule-Giroń directed Utilities Director Garcia to answer Mr. Korte's question regarding the proposed increase to the solid waste rates.



Utilities Director Garcia answered by stating the current residential inside City rate is \$14.05 and with the fifteen percent increase, it would go to \$15.60 and the full rate as its realized would be \$20.10 after the forty three percent increase.

City Attorney Romero stated that he would like to see all public hearing presentations and then have questions from the Council after everyone has testified.

Mr. Felix Alderete who was sworn in stated that he is certain the ordinance will pass and he would like to see the solid waste delivery enhance those operational services and not see those monies utilized for other services. Mr. Alderete also stated he does not want to see duplication of what the City wants to accomplish and what the County wants to accomplish, there needs to be close communication between the two entities. Mr. Alderete added that he believes the City can fix the solid waste problem and would like it done with long term vision.

Mr. Alex Aragon who was sworn in stated that he appreciates the Mayor allowing the community to throw their trash for free, however it is time to start charging once again. The other issue is the vehicles and equipment need a preventive maintenance plan. Mr. Aragon concluded by stating that all departments need to communicate and help one another and he doesn't mind paying the increase as long as he sees the services improved.

City Attorney Romero asked if there was anyone else who would like to make comments on the issue at hand and if not the public hearing should be closed.

Councilor Feldman made a motion to close public hearing and go back into regular session. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Diane Moore	Yes
Andrew Feldman	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Feldman stated that comparing our costs to other cities does not work as there are many different factors involved and agrees with many of the public comments that recycling is needed because it's the right thing to do. The landfill closure needs to be addressed, equipment and personnel and efficiency needs to be addressed as well as preventive maintenance.

Councilor Feldman stated that to his knowledge he believes the solid waste increase in November 2008 was brought to Council, however the City Clerk should review the minutes to assure this ordinance was approved. Councilor

Feldman asked Utilities Director Garcia if the fifteen percent increase would be part of the forty two percent if approved.

Utilities Director Garcia stated that the fifteen percent would not be part of the forty two percent, it would be part of the overall charge and the percentage would depend on the approved scenario option.

Councilor Moore addressed one of the questions during public input regarding should the ordinance pass, would the increase be spent specifically on solid waste and would the City continue to collaborate with the County. City Manager Dodge stated that issuance would be specific so they would not be able to be used anywhere else and the City would continue working with the County.

Councilor Moore also asked if the Ordinance would address senior citizens.

City Attorney Romero stated that the language he would like to see added to the proposed ordinance exemption would be to add that the applicant shall present a valid Medicare or Medicaid card and evidence that he/she is a senior citizen 55 years or older.

Mayor and Council all agreed they would like to see progress to the solid waste operation to include some repairs immediately and continued progress within the next two years.

Mayor Ortiz, Jr. encouraged Council to approve the proposed solid waste ordinance as it is necessary to provide the services the community deserves.

Councilor Gurule-Giron asked why the City was considering a bond rather than a levy.

Mayor Ortiz, Jr. stated that with a bond the City would receive the money upfront which the City needs at this time and with a levy the monies would be distributed in phases.

City Manager Dodge stated that there are a lot of issues and errors that have been made that have been dealt with administratively for a long period of time and the only thing that can be done is to realize those mistakes have been made, correct them and make sure that their not made again which leads to the next issue which is continuity which will lead to efficiency in how things are done.

Councilor Moore made a motion to adopt Ordinance 10-20 amending Section 9-2-10-Services and Rates of Solid Waste Ordinance 01-9 with the added language City Attorney Romero made regarding senior citizens. Councilor Feldman seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	David Romero	No
Diane Moore	Yes	Tonita Gurule-Giroñ	No
Alfonso E. Ortiz Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

#### 5. Approval/Disapproval of contract with the Las Vegas/San Miguel Economic Development Corporation.

Community Development Director Elmer Martinez stated the EDC contract for consideration mirrors last years contract with a couple of changes to include reporting and the amount of the contract.

Councilor Feldman stated he is concerned with accountability and would like to see under the Deliverable Section that the Contractor will submit a quarterly status/activity report including balance sheets for the expenses, revenues, assets and liabilities not only to the Community Development Department and City Manager but to the Council as well. Councilor Feldman also wanted to know when and how often do the Boards meet and do they meet separately.

Mr. Rios stated recently it was decided that the EDC Board and the Executive Board will alternate and there is a schedule available to those meeting dates.

Councilor Feldman added that he would like to see the by laws included in the contract and adding that Council will also be provided a report for review.

Councilors thanked Mr. Roberto Rios for his professionalism and hard work as he mentioned that he would be resigning due to personal reasons in the near future.

Councilor Feldman made a motion to approve the contract with the two noted changes to include the By Laws and also have the contractor report to City Council on a quarterly basis. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	Tonita Gurule-Giroñ	Yes
Diane Moore	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

#### 8. Approval/Disapproval to renew ambulance contract with Superior Ambulance.

Councilor Feldman asked if there was an established Ambulance Review Oversight Committee as stated in the contract.

Fire Chief Philip Mares stated there was not an Ambulance Review Oversight Committee, they tried to report to the Public Safety Committee, however they were having some difficulties with that.

Councilor Moore asked if Superior Ambulance had the required amount of ambulances necessary to meet the community's needs and also wanted to know if they had a current certificate of insurance as the one provided with the contract was expired.

Mr. Serna with Superior Ambulance stated that they have three full time ambulances that are available to respond both to the City and the County and he would need to follow up with the insurance company to find out about the certificate of insurance.

Councilor Romero asked if the City had considered taking on the ambulance service.

City Manager Dodge stated that he has given it some thought and would like to discuss that matter in a different venue.

Councilor Feldman made a motion to approve the ambulance contract with Superior Ambulance with the understanding that they submit their quarterly activity reports to Council for review. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Gurule-Giroñ	Yes	David Romero	No
Diane Moore	Yes	Andrew Feldman	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

10. Conduct a Public Hearing and Approval/Disapproval of the Publication giving notice of intent to adopt the Ordinance 10-22 approving the Subdivision of property located at the 2400 block of 7<sup>th</sup> by the City of Las Vegas.

Community Development Director Elmer Martinez stated that the City is the fee simple owner of property located at the 2400 block of 7<sup>th</sup> Street and has submitted application to subdivide the 2.363 acre parcel into six lots and provide the opportunity to abutting business owners to purchase the adjoining parcels. The parcel was originally dedicated a public parking.

Councilor Moore made a motion to go into public hearing. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Diane Moore	Yes
Andrew Feldman	Yes	Tonita Gurule-Giroñ	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Attorney Romero swore in Community Development Director Elmer Martinez.

Community Development Director Martinez presented the record proper to include six exhibits.

Councilor Moore made a motion to accept the record proper. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	Andrew Feldman	Away from seat
David Romero	Yes	Tonita Gurule-Giroñ	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Mayor Ortiz Jr. asked if there were others to speak on the issue.

Councilor Moore made a motion to close public hearing and go back into regular session. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroñ	Yes	Andrew Feldman	Yes
Diane Moore	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Feldman made a motion to publish Ordinance 10-22. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroñ	Yes	Andrew Feldman	Yes
David Romero	Yes	Diane Moore	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

13. Approval/Disapproval of corrective action and credit or repayment of gas billing to New Mexico Highlands University.

Utilities Director Ken Garcia stated that in November of 2007, a gas meter was installed at Connor Hall on the NMHU campus. The meter ratio was installed incorrectly; therefore the actual amount of consumption was incorrect. The billing was recalculated from November of 2007 through April 2010 which they were overcharged six hundred and seven thousand two hundred and ten dollars. Utilities Director Garcia recommended that Council allow Utilities to credit NMHU the amount owed on a monthly basis until full credit is applied.

Councilor Feldman made a motion for approval of corrective action on the gas billing issue and allow for a credit for the amount owed. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Andrew Feldman	Yes
Tonita Gurule-Giroń	Yes	Diane Moore	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Utilities Director Garcia added that all commercial meters were checked to insure that the meters were correct and also training will be held to insure the employees are trained so that this type of error does not reoccur.

## **COUNCILORS REPORTS**

Councilor Romero asked if the gas overcharge that happened a few years back was ever addressed to include repayment of the two million.

Councilor Romero inquired if anyone had been informed about the tree branches falling at the Plaza Park as there was an incident during the Fiestas.

Mayor Ortiz, Jr. stated that the insurance was notified and agrees that the older trees need to be removed.

Councilor Romero reported he's been receiving complaints about the audio recording that constituents watch through Comcast. They are able to see, but cannot hear the speakers.

City Manager Dodge stated the intent is to remove and place the security into a different area in the building and install an updated audio/video system.

Councilor Gurule-Giron stated she received a call from Melissa Ford complaining that there were no restroom facilities at the West Las Vegas High School during the motorcycle rally, however Community Development Director Martinez advised that there were in fact restroom facilities available.

Councilor Gurule-Giroñ asked if the Councilors could be informed about special permits so they may be aware of functions that will be happening and can answer questions.

City Manager Dodge stated he will place a copy of all special permits in all Councilors city mail boxes.

#### **EXECUTIVE SESSION/CLOSED SESSION**

There were no items for Executive Session

#### **ADJOURN**

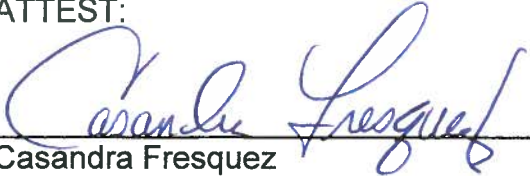
Mayor Ortiz, Jr. entertained a motion to adjourn. Councilor Feldman made a motion to adjourn. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroñ	Yes	Andrew Feldman	Yes
Diane Moore	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

  
\_\_\_\_\_  
Mayor Alfonso E. Ortiz, Jr.

ATTEST:

  
\_\_\_\_\_  
Casandra Fresquez  
City Clerk